

REMARKS

This Amendment is in response to the Office Action dated June 23, 2008. In the Office Action claims 1, 2, 6, 11, 12 and 14-24 were rejected. With this Amendment, claims 1, 6, 12, 14, 16, 20, 21, 22, 24 are amended. It is respectfully believed that all pending claims 1, 2, 6, 11, 12 and 14-24 are in condition for allowance. On page thirteen of the Office Action, the Examiner indicated that none of the prior art of record discloses or suggests a virtual store server that is used to request the host system for inventory data indicative of a given merchant. Applicant's attorney appreciates Examiner's indication of allowable subject matter.

Claim Objections

Claims 1, 2, 11, 12, 15-19, 22, and 23 were objected to because of informalities. Accordingly, claims 1, 20 and 21 are amended.

§112 Claim Rejections

Claim 21 was rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. In particular, the Examiner finds that "retrieving current inventor[y] data if the in-store system that corresponds to the merchant can not be reached" is not enabled by the disclosure. Accordingly, claim 21 has been amended to coincide with the bottom paragraph of page 8 of the specification.

Claims 1, 2, 11, 12, 15, 16, 17, 18, 19, 22, and 23 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner finds that "a virtual store server useable to request the host system for inventory data indicative of a given merchant" is ambiguous. Accordingly, claims 1, 12, 16 and 22 are amended.

Claim 21 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner finds that if inventory data is retrieved from the host system database, then this is a substitute for retrieving current inventory data from the in-store system, so retrieving current inventory data from the in-store system cannot comprise retrieving inventory data from the host system database. Claim 21 has been amended accordingly.

§103 Claim Rejections

Claims 6, 14, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over the anonymous article, "ArsDigita Powers Nation's Leading Wine Exchange: WineAccess.com," hereinafter "ArsDigita," in view of Ranganath et al. (U.S. 2001/0037245), Walker et al. (U.S. 2006/0195368), and the Microsoft Press Computer Dictionary. Claim 6 is amended to incorporate features indicated as including allowable subject matter on page 13 of the Office Action. Therefore, it is believed that claim 6 is in condition for allowance. In addition, claims 14 and 20 are also in condition for allowance at least based on their dependence on an allowable base claim 6.

Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. in view of Ranganath et al., the Microsoft Press Computer Dictionary, and official notice. Claim 24 is amended to incorporate features indicated as including allowable subject matter on page 13 of the Office Action. Therefore, it is believed that claim 24 is in condition for allowance.

Allowable Subject Matter

Claim 1 is in condition for allowance as being amended to incorporate the allowable subject matter as indicated on page 13 of the Office Action. Claims 2, 11, 12, 15, 16, 17, 18, 19, 22 and 23 are also in condition for allowance at least based on their dependence on allowable base claim 1.

It is respectfully submitted that all pending claims 1, 2, 6, 11, 12 and 14-24 are in condition for allowance. Favorable action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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